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14 **UNITED STATES DISTRICT COURT**

15 **DISTRICT OF NEVADA**

16 SANDRA K. KRAUSE,

17 Plaintiff,

Case No.: 2:12-cv-00342-JCM-CWH

18 vs.

19 NEVADA MUTUAL INSURANCE  
COMPANY, a Nevada corporation; TREAN  
20 CORPORATION, a Minnesota Corporation; and  
ANDREW O'BRIEN, Individually, DOES 1  
21 through X, and ROE BUSINESS ENTITIES, 1  
through X, inclusive,

22 Defendant.

23 **SECOND**

24 **ORDER REGARDING DEFENDANTS' PARTIAL MOTION  
TO DISMISS PLAINTIFF'S COMPLAINT**

25 The above-captioned matter came on for hearing on May 24, 2012, on Defendants  
26 Nevada Mutual Insurance Company ("NMIC"), TREAN Corporation ("TREAN"), and Andrew  
27 O'Brien's (collectively, "Defendants") motion to dismiss certain claims in Plaintiff Sandra  
28 Krause's ("Plaintiff") Complaint. Attorney Shannon M. McDonough, with the law firm of

1 FAFINSKE MARK & JOHNSON, appeared *pro hac vice*, with Nick D. Crosby, Esq., with the  
2 law firm of MARQUIS AURBACH COFFING, on behalf of Defendants. Attorney Kathleen J.  
3 England, with the law firm of ENGLAND LAW OFFICE, appeared on behalf of Plaintiff. After  
4 reviewing Defendants' Motion, Plaintiff's Opposition thereto, Defendants' Reply, and all the  
5 files, records, and pleadings on file herein, and upon oral argument by counsel, the Court orders  
6 as follows:

7 IT IS HEREBY ORDERED that Defendants' motion is granted in part and denied in part,  
8 as further set forth below:

9 1. Defendants' Motion to Dismiss Defendants DOES I through X and the ROE  
10 BUSINESS ENTITIES 1 through X is GRANTED. Plaintiff's claims against the Doe individual  
11 defendants and the Roe entity defendants are dismissed.

12 2. Defendants' Motion to Dismiss portions of Counts One, Two and Three against  
13 NMIC and TREAN is DENIED.

14 3. Defendants' Motion to Dismiss Count Four of Plaintiff's Complaint is  
15 GRANTED, such that Plaintiff's intentional infliction of emotional distress claim against all  
16 Defendants is dismissed.

17 4. Defendants' Motion to Dismiss Count Five of Plaintiff's Complaint is  
18 GRANTED, such that Plaintiff's constructive discharge claim against all Defendants is  
19 dismissed.


20 5. Defendants' Motion to Dismiss Count Six of Plaintiff's Complaint is GRANTED,  
21 such that Plaintiff's negligent hiring, supervision, and retention claim against NMIC and TREAN  
22 is dismissed.

23 6. Defendants' Motion to Dismiss Count Seven of Plaintiff's Complaint is  
24 GRANTED, such that Plaintiff's tortious interference with employment relationship claim  
25 against O'Brien is dismissed.

26 7. Defendants' Motion to Dismiss Count Eight of Plaintiff's Complaint is  
27 GRANTED, such that Plaintiff's breach of the covenant of good faith and fair dealing claim  
28 against all Defendants is dismissed.

8. Defendants NMIC and TREAN shall have 14 days from the date of this Order to answer Counts One through Three of Plaintiff's Complaint.

IT IS SO ORDERED THIS 19th day of June, 2012.

  
UNITED STATES DISTRICT COURT JUDGE

Respectfully submitted by:

MARQUIS AURBACH COFFING

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Approved as to form and content by:  
ENGLAND LAW OFFICE

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